

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 23, Pages 73-74, Section 302.341, Lines  
2 1-46, by deleting all of said section and lines from the bill and inserting in lieu thereof the following:

3  
4 "302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or  
5 any county or municipality of this state fails to dispose of the charges of which the resident is  
6 accused through authorized prepayment of fine and court costs and fails to appear on the return date  
7 or at any subsequent date to which the case has been continued, or without good cause fails to pay  
8 any fine or court costs assessed against the resident for any such violation within the period of time  
9 specified or in such installments as approved by the court or as otherwise provided by law, any court  
10 having jurisdiction over the charges shall within ten days of the failure to comply inform the  
11 defendant by ordinary mail at the last address shown on the court records that the court will order the  
12 director of revenue to suspend the defendant's driving privileges if the charges are not disposed of  
13 and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely  
14 act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify  
15 the director of revenue of such failure and of the pending charges against the defendant. Upon  
16 receipt of this notification, the director shall suspend the license of the driver, effective immediately,  
17 and provide notice of the suspension to the driver at the last address for the driver shown on the  
18 records of the department of revenue. Such suspension shall remain in effect until the court with the  
19 subject pending charge requests setting aside the noncompliance suspension pending final  
20 disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court  
21 costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of  
22 charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as  
23 set forth in section 302.304, the director shall return the license and remove the suspension from the  
24 individual's driving record if the individual was not operating a commercial motor vehicle or a  
25 commercial driver's license holder at the time of the offense. The filing of financial responsibility  
26 with the bureau of safety responsibility, department of revenue, shall not be required as a condition  
27 of reinstatement of a driver's license suspended solely under the provisions of this section.

28 2. If any city, town [or], village, or county receives more than [thirty-five] twenty percent of  
29 its annual general operating revenue from fines and court costs for traffic violations, including  
30 amended charges from any traffic violation, occurring [on state highways] within the city, town,  
31 village, or county, all revenues from such violations in excess of [thirty-five] twenty percent of the  
32 annual general operating revenue of the city, town [or], village, or county shall be sent to the director  
33 of the department of revenue and shall be distributed annually to the schools of the county in the  
34 same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal  
35 laws of the state are distributed. [For the purpose of this section the words "state highways" shall  
36 mean any state or federal highway, including any such highway continuing through the boundaries of  
37 a city, town or village with a designated street name other than the state highway number.] The

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 director of the department of revenue shall set forth by rule a procedure whereby excess revenues as  
2 set forth above shall be sent to the department of revenue. If any city, town, [or] village, or county  
3 disputes a determination that it has received excess revenues required to be sent to the department of  
4 revenue, such city, town, [or], village, or county may submit to an annual audit by the state auditor  
5 under the authority of article IV, section 13 of the Missouri Constitution. An accounting of the  
6 percent of annual general operating revenue from fines and court costs for traffic violations,  
7 including amended charges from any charged traffic violation, occurring within the city, town,  
8 village, or county and charged in the municipal court of that city, town, village, or county shall be  
9 included in the Comprehensive Annual Financial Report submitted to the state auditor by the city,  
10 town, village, or county under section 105.145. Any city, town, village, or county which fails to  
11 make an accurate or timely report, or to send excess revenues from such violations to the director of  
12 the department of revenue by the date on which the report is due to the state auditor shall suffer an  
13 immediate loss of jurisdiction of the municipal court of said city, town, village, or county on all  
14 traffic-related charges until all requirements of this section are satisfied. Any rule or portion of a  
15 rule, as that term is defined in section 536.010, that is created under the authority delegated in this  
16 section shall become effective only if it complies with and is subject to all of the provisions of  
17 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if  
18 any of the powers vested with the general assembly under chapter 536 to review, to delay the  
19 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
20 grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be  
21 invalid and void.

22 3. As used in subsection 2 of this section, traffic violations shall include all ordinance  
23 violations which are detected through the use of an automated traffic enforcement system, regardless  
24 of whether the ordinance violation is prosecuted as a civil infraction or not. An "automated traffic  
25 enforcement system" means a camera, optical device, electronic system, or other surveillance system  
26 designed to record and produce photographic images, video, or other digital data of a motor vehicle,  
27 a motor vehicle's operator, or both, violating a traffic control signal, speed restriction, or other traffic  
28 law, ordinance or regulation. Automated traffic enforcement systems shall also include automated  
29 speed enforcement systems. The term "automated speed enforcement system" means a device with  
30 one or more motor vehicle sensors, including, but not limited to, photographic devices, radar  
31 devices, laser devices, or other electrical or mechanical devices, designed to record the speed of a  
32 motor vehicle and to obtain a clear photograph or other recorded image of the motor vehicle and the  
33 motor vehicle's license plate, which automatically produces one or more photographs, one or more  
34 microphotographs, a videotape, or other recorded image of a motor vehicle at the time it is used or  
35 operated in violation of the posted speed limit."; and

36  
37 Further amend said bill by amending the title, enacting clause, and intersectional references  
38 accordingly.